

(206)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 08-11M
)	
MARTIN AMARO HERRERA,)	
)	
Defendant.)	

MOTION FOR DETENTION HEARING

NOW COMES the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. § 3156)
- ☐ Maximum sentence life imprisonment or death
- ☐ 10+ year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☐ Minor victim
- ☐ Possession/ use of firearm, destructive device or other dangerous weapon
- ☐ Failure to register under 18 U.S.C. § 2250
- ☒ Serious risk defendant will flee
- ☐ Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (**check one or both**):

☒

Defendant's appearance as required

☐

Safety of any other person and the community

3. **Rebuttable Presumption.** The United States will/will not invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (**check one or both**):

☐

Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c), or a federal crime of terrorism, or a specified offense () with minor victim

☐

Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

☐

At first appearance

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After continuance of 3 days (not more than 3).

5. **Temporary Detention.** The United States request the temporary detention of the defendant for a period of _____ days (not more than 10) so that the appropriate officials can be notified since (**check 1 or 2, and 3**):

☐

1. At the time the offense was committed the defendant was:

☐

(a) on release pending trial for a felony;

☐

(b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

☐

(c) on probation or parole for an offense.

☐

2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

☐

3. The defendant may flee or pose a danger to any other person or the community.

6. Other Matters.

DATED this 23rd day of January, 2008.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: _____

Edmond Falgowski
Assistant United States Attorney